

**REMARKS**

Claims 1-11 are all the claims pending in the application, with claims 1 and 8 being in independent form. Claims 1-11 are amended, with no new matter presented.

In the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, rejected claims 1, 2, 5-8 and 10-11 under 35 U.S.C. § 102(e) based on Waytena et al. (U.S. Patent No. 6,748,364, hereinafter “Waytena”), and rejected claims 3-4 and 9 under 35 U.S.C. § 103(a) based on Waytena in view of Crici et al. (U.S. Patent Publication No. US 2005/0027580 A1, hereinafter “Crici”). Each ground of rejection is addressed as follows.

**Claim rejections - 35 U.S.C. § 112, second paragraph**

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph. In the Office Action, the Examiner stated that independent claims 1 and 8 were indefinite because it is unclear how the updated data is provided and where the instruction to update the data originates from. In response, Applicant submits that this ground of rejection is moot in view of the amendments to claims 1-11. For instance, claims 1 and 8 recite the instruction for updating reservation data is transmitted from a facility terminal to the server, and the server updates the reservation data in response to the instruction. Therefore, reconsideration and withdrawal of this ground of rejection is requested.

Also, the Examiner rejected claims 5-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because the preamble of dependent claims 5-7 differs from independent claim 1. Applicant submits that this ground of rejection is moot in view of the

amendment to claims 5-7, wherein the preamble of these claims is consistent with that of independent claim 1. Thus, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Further, the Examiner rejected claims 5-7 and 10-11 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite because it is unclear how the wait time data is determined. Applicant disagrees that the failure to specifically recite how a waiting time is determined is a proper ground for rejection. For instance, the claims do not specifically require a particular method for determining the wait time data, thus any suitable method may be employed. Moreover, Applicant submits that suitable methods for determining the wait time data would be readily apparent to one of skill in the pertinent art. Therefore, Applicant submits that the rejection of claims 5-7 and 10-11 is improper, and respectfully requests that it be withdrawn.

**Claim rejections - 35 U.S.C. § 102(e)**

Claims 1, 2, 5-8 and 10-12 stand rejected as allegedly being anticipated by Waytena. Applicant traverses this ground of rejection.

Independent claims 1 and 8 recite a unique combination of elements that define a novel method for making a reservation for a service provided by a facility presenting new features. For example, a user terminal transmits a reservation request of a first user to a server via a network connection. (Specification at page 8, lines 11-21). Further, the reservation request of the first user is registered at the server as reservation data based upon an order in which the first user's

reservation request and a reservation request of at least one other user are received.

(Specification at page 12, lines 16-25). In addition, a facility terminal, which is located at the facility and remote from the server, transmits an instruction for updating the reservation data to the server, and the server updates the reservation data in response to receiving the instruction.

(Specification at page 16, lines 3-28).

Notwithstanding the Examiner's rejection of independent claims 1 and 8, Applicant submits that the limitations of these claims is neither taught nor suggested by Waytena. For instance, Waytena teaches a system for assigning and managing reservations for attractions in an amusement park wherein a user requests a reservation from a personal communications device which transmits a reservation request for a specific attraction to a particular attraction computer which is associated with the attraction. (col. 5, lines 20-39 and col. 12, line 20 - col. 13, line 43). In addition, each attraction requires a separate attraction computer to process incoming reservation requests for the particular attraction to determine whether or not the request can be accommodated, assign reservations and communicate the reservations directly to the personal communications devices, and to manage the updating of reservations. (Figure 1, col. 3, lines 8-43, col. 5, lines 40-45 and col. 20, line 18 - col. 24 line 67). Therefore, the attraction computers of Waytena must each be capable of individually managing the reservation data and communicating directly with the personal communications devices.

In contrast, claims 1 and 8 define a method of making a reservation wherein the user terminal transmits the reservation request to a server. Further, the server registers the reservation

request as reservation data. Also, a facility terminal transmits instructions for updating the reservation data to the server. Thus, Applicant submits that Waytena fails to suggest the method as recited in independent claims 1 and 8, wherein a server is implemented to receive reservations requests and update instructions from user terminals and facility terminals, respectively, such that both the facility terminal and the user terminal communicate with the server which manages reservation data. In addition, independent claim 8 requires that data of the waiting time of the user is transmitted from the facility to the server, and that the waiting time date is transmitted from the server to the user terminal in response to a user terminal request. However, Waytena merely teaches updating a queue at the stored in the attraction computer and transmitting this information directly to a personal communications device. (col. 11, lines 9-25).

Thus, Applicant submits that Waytena fails to anticipate all the limitations of independent claims 1 and 8. Accordingly, reconsideration and withdrawal of the rejections of these claims is requested. Further, Applicant submits that dependent claims 2, 5-7 and 10-11 are allowable at least by virtue of their respective dependency from independent claims 1 and 8. Therefore, reconsideration and withdrawal of the rejection of these claims is requested.

**Claim rejections - 35 U.S.C. § 103(a)**

Claims 3, 4 and 9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Waytena in view of Crici. In response, Applicant submits that these claims are allowable at least by virtue of their respective dependency from independent claims 1 and 8. Accordingly, reconsideration and withdrawal of the rejection of claims 3, 4 and 9 is requested.

Amendment Under 37 C.F.R. § 1.111  
U.S. Application No. 09/842,649

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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